

Application No. 09/825,758
Amendment dated May 20, 2008
Reply to Office Action of November 20, 2007

REMARKS

Applicant amended claims 1, 11, 14-17, 19-26, 28, 30, 33-37, 40-42, and 46-48, and added new claims 69-71 to further define Applicant's claimed invention. Support for the amendment to independent claims 1 and 42 can be found at least on page 8, line 1, through page 9, line 2, page 10 line 13 through page 11, line 6, and in FIGS. 4 and 5. Support for the amendment to independent claim 25 can be found at least on page 11, line 22 through page 12, line 8. Support for new claims 69-71 can be found at least on page 2, lines 12-14 and page 13, lines 14-17. Support for new claims 72-74 can be found at least on page 3, lines 6-9, and page 8, lines 2-5. No new matter has been added.

In the Office Action, the Examiner rejected claims 28-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amended dependent claims 28 and 30 to depend from independent claim 25. It is submitted that the rejection of claims 28-30 under 35 U.S.C. § 112, second paragraph, has been overcome.

The Examiner rejected claims 25, 26, 30, 35, 36, 38 and 40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0052925 to Kim et al. ("Kim"); and rejected claims 1-6, 8, 11, 15, 16, 18, 19, 21-24, 42, 46, 47 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Publication No. 2002/0016736 to Cannon et al. ("Cannon") and website www.keithPieper.com ("Pieper").

Applicant amended independent claim 1 to recite "Interrupting the delivering of the user requested content from the server to the audio-visual device at the user location and preventing the displaying of the user requested content on the visual display" and "continuing the delivering of the user requested content from the server to the audio-visual device at the user location and continuing the displaying of the user requested content on the visual display after the displaying of the advertising content is complete." Applicant amended independent claim 42 to recite "Interrupting delivery of the contents of the address from the server to the audio-visual device at the user location and preventing display of the contents of the address on the visual display if a selected interval of time has elapsed since said time-stamping step" and "continuing the delivery of the contents of the address

Application No. 09/825,758
Amendment dated May 20, 2008
Reply to Office Action of November 20, 2007

requested by the user from the server to the audio-visual device at the user location and continuing the display of the contents of the address requested by the user on the visual display after the displaying of the advertising content is complete."

Kim teaches that if "the downloading time of the target web page exceeds a pre-determined threshold value," then "a matched AD is presented." (Kim, paragraph 77). Kim further teaches that "[d]uring the presentation time, user's web browser downloads the target web page as usual." (Kim, paragraph 77). Kim expressly discloses that the target web page is delivered from the remote server to the user's computer during the presentation of the advertising content on the user's visual display. Kim does not disclose or suggest "interrupting the delivering of the user requested content from the server to the audio-visual device at the user location" and "preventing the displaying of the user requested content on the visual display" as recited in independent claim 1. Kim does not disclose or suggest "interrupting delivery of the contents of the address from the server to the audio-visual device at the user location" and "preventing display of the contents of the address on the visual display" as recited in independent claim 42. Thus, Kim does not disclose or suggest continuing the delivery "of the user requested content" or "of the contents of the address requested by the user" to the "audio-visual device at the user location after the displaying of the advertising content is complete" as recited in independent claims 1 and 42.

The Examiner admits that Kim does not "explicitly disclose interrupting the delivery of the content to display the advertisement followed by continuing the delivery until the advertising content is complete." (Office Action, page 5, lines 12-13). Applicant submits that Cannon teaches that the client computer transmits a request to the media server for the media requested by the user and that the media server receives the request and serves the requested media to the client computer. (See Cannon, paragraph 0142, lines 5-10). Cannon further teaches that client computer then transmits a request to the advertisement server and that the advertisement server receives the request and serves the requested advertisements to the client computer. (See Cannon, paragraph 0142, lines 10-16). Pieper discloses various types of interstitial advertisements, including Pop-

Application No. 09/825,758
Amendment dated May 20, 2008
Reply to Office Action of November 20, 2007

Up Window, Daughter Window, Splash Screen, and Intermercial, teaching that these ads can load either before, after, or over the user requested content. (See FIG. 2, page 20). Neither Cannon nor Pieper disclose or suggest interrupting the delivery of the user requested content from the server to the user's computer and interrupting the display of the user requested content on the user's display device. Applicant submits that Kim, Cannon and Pleper alone or when properly combined, do not disclose or suggest all recitations of independent claims 1 and 42 as amended. Thus, the combination proposed by the Examiner does not result in Applicant's claimed invention as recited in independent claims 1 and 42.

Applicant amended independent claim 25 to recite "detecting the user's local interaction with the user interface of the local system, the user's local interaction with the user interface being limited to the local system and not communicated to the server at the remote location," and displaying the advertising content on the visual display after a selected elapsed interval of time "if the user's local interaction with the user interface of the local system" occurs during the selected elapsed interval of time.

Kim teaches that a "user clicks a link in the web browser or navigates to a web page by typing the address (URL) in the address bar" and "client software detects the URL and text information, then runs a matching algorithm to search for AD Inventory." (Kim, paragraph 77). The user interactions detected by the system of Kim are webpage requests which are inherently communicated from the user's computer to a remote server. Applicant's claimed invention recited in independent claim 25 does not simply detect web clicks. The claimed invention detects a user's local interaction with the local system to detect the user's actual presence at the local system. The method of the claimed invention increases the probability that the delivered advertisement will be viewed by the user. Kim does not teach or suggest detecting the user's local interaction with the user interface limited to the local system and not communicated to a server at a remote location and displaying advertising content on a user's visual display if such an interaction occurs during a selected elapsed interval of time as recited in independent claim 25.

Application No. 09/825,758
Amendment dated May 20, 2008
Reply to Office Action of November 20, 2007

RECEIVED
CENTRAL FAX CENTER

MAY 20 2008

Applicant submits that the Examiner's rejections of claims under 35 U.S.C. §§ 102(b) and 103(a) over Kim, Cannon and Pieper have been overcome. It is submitted that independent claims 1, 25, and 42 are allowable and that dependent claims 2-6, 8, 11-24, 26, 28-41, 43-48, and 69-74 dependent from one of independent claims 1, 25, and 42, or claims dependent therefrom, are allowable at least due to their dependency from an allowable Independent claim.

In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,
MARTIN & FERRARO, LLP

Dated: May 20, 2008

By: 
Amedeo F. Ferraro
Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795